

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7799**

**BILL NUMBER:** HB 1806

**DATE PREPARED:** Feb 23, 2001

**BILL AMENDED:** Feb 21, 2001

**SUBJECT:** Home Detention.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:**      **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill requires a probation department or community corrections program supervising a violent offender on home detention to initially notify a law enforcement agency if the violent offender violates the home detention order. It requires probation departments or community corrections programs to constantly monitor a violent offender. It requires a probation department or community corrections department to develop criteria for determining if a person is a violent offender.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) Program administrators and staff at the Department of Correction indicate that some violations occur because equipment malfunctions. In these cases, the staff of the probation department or the community corrections agency will visit the offender's home and determine whether the offender has actually violated the home detention order or whether an equipment malfunction occurred. If the offender has actually violated an order, then the department or agency staff contact the local law enforcement agencies.

Depending upon the number of false alarms that occur at the local level, this bill could increase the number of investigations of home detention violations that the local law enforcement agencies would need to perform.

The Indiana Judicial Center reports that 65 municipal, county, or community corrections agencies operated adult home detention programs with electronic monitoring and nine entities operated home detention programs without electronic monitoring in 2000. As of September 30, 2000, there were 6,430 juvenile and

adult offenders on house arrest.

	With Electronic Monitoring	Without Electronic Monitoring	Total No. Of Offenders
Adult felons	4,637	64	4,701
Adult misdemeanants	1,195	67	1,262
Juvenile felons (if offense committed by an adult)	143	35	178
Juvenile misdemeanants (if offense committed by adult)	270	19	289
Total number of offenders	6,245	185	6,430

***The number of offenders who are on probation for violent crimes is not known. If this information becomes available, this fiscal note will be updated.***

The types of offenses that are considered crimes of violence under IC 35-50-1-2 include the following:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) involuntary manslaughter (IC 35-42-1-4);
- (4) reckless homicide (IC 35-42-1-5);
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnaping (IC 35-42-3-2);
- (7) rape (IC 35-42-4-1);
- (8) criminal deviate conduct (IC 35-42-4-2);
- (9) child molesting (IC 35-42-4-3);
- (10) robbery as a Class A felony or a Class B felony (IC 35-42-5-1);
- (11) burglary as a Class A felony or a Class B felony (IC 35-43-2-1); and
- (12) causing death when operating a motor vehicle (IC 9-30-5-5).

If there are a significant number of offenders sentenced for these crimes, then local probation departments may need to increase their surveillance capacity.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Probation departments, community corrections agencies, local law enforcement agencies.

**Information Sources:** Judicial Conference of Indiana, 2000 Home Detention Report.